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10/724,853	12/01/2003	Peter T. Aylward	82030APAL	2160

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EXAMINER
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SCHILLING, RICHARD L

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/724853

Applicant(s)

Aylward et al

Examiner

RL Schilling

Group Art Unit

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— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) ~~1-36~~ 1-36 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-19, 21, 24-30, 32-36 is/are rejected.
- ☒ Claim(s) 20, 22, 23, 31 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3-804
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 <sup>12</sup>
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. Claim 32 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. There is no antecedent basis for the term "said ink jet receiving layer" since parent claim 30 does not set forth an ink jet receiving layer.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-10, 12, 14-18, 30, 33 and 36 are

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rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bourdelais et al. '547. Bourdelais et al. '547 (see particularly column 6, lines 52-40; column 10, line 36 - column 12, line 55; Example 1) disclose elements comprising images on thin transparent polymer supports laminated to base sheets. The base sheet in Example 1 is a vacuous polypropylene layer formed with a polyester void initiating material. Compatibilizer in the vacuous base material is not disclosed in Bourdelais et al. '547. If Bourdelais et al. do not anticipate the instant claims, then it would be obvious to one skilled in the art to adjust the stiffness of the polymer bases to provide the desired stiffness of the imaged elements.

3. Claims 1, 2, 5-12, 14-19, 24-30 and 33-36 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bourdelais et al. '109. Bourdelais et al. '109 (see particularly column 3, line 61 - column 4, line 10; column 6, lines 8-31; column 7, line 30 - column 8, line 45; Example 1) disclose photographic prints comprising transparent polymer sheets carrying images folded around and laminated to reflective opaque bases or partitioning members. The reflective partitioning members provide whiteness and stiffness and may be made of paper or voided polymer sheets. The partitioning member used in working Example 1 is a vacuous

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base of polypropylene with polyester void material containing no disclosed compatibilizer material. If Bourdelais et al. do not anticipate the instant claims, then it would at least be obvious to one skilled in the art to adjust the stiffness of the opaque bases or partitioning members in Bourdelais et al. to provide the desired stiffness for album pages.

4. Claims 1-18, 30, 33 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Trautweiller et al., Bourdelais et al. '310 or Bourdelais et al. '547 all further in view of International Publication WO 96/12766, Maier et al. and Mathews et al. Trautweiller et al. (see particularly column 3, lines 36-56; column 5, lines 35-61) discloses an image on a thin transparent polymer sheet laminated to reflective bases including photographic paper or opaque plastic sheets or packaging materials. Bourdelais et al. '310 (see particularly column 3, lines 25-45; column 12, lines 25-58) disclose image layers on thin transparent polymer sheets laminated to reflective bases including photographic paper or polymer sheets. Bourdelais et al. '547 (see particularly column 6, lines 52-40; column 10, line 36 - column 12, line 55; Example 1) discloses image layers on thin transparent polymer sheets laminated to reflective bases including photographic paper or polymer sheets which include vacuous or voided polymer bases as in Example 1. International

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Patent 96/12766 (see particularly page 1, lines 3-18; page 2, lines 16-30; page 4, lines 5-16; Examples 2-8; Tables 1 and 2; claim 9) discloses voided or vacuous polymer sheets of polyester with dispersed polyolefin phases for use as a paper substitute such as in photographic prints for a more glossy or pearlescent appearance than typical papers. The international publication teaches adjusting the amount of polyolefin for the desired amount of voiding, density and mechanical properties. The substrates of the international publication have non-voided layers and have densities within the scope of the instant claims. The vacuous polymer substrates of the international publication contain compatibilizers at less than .5 g/m<sup>2</sup> meeting the definition of "substantially free" found in applicants' specification on page 17, lines 9-23 (see claim 9 and Tables 1 and 2 of the international publication). Maier et al. (see particularly column 2, lines 11-31; column 3, lines 41-68; column 5, lines 1-53; Examples 1-3, 7, 37; column 14, lines 8-64; column 16, lines 19-35) and Mathews et al. (see particularly column 1, lines 51-68; column 2, lines 34-54; column 3, line 35 - column 4, line 50; column 5, lines 1-34; Examples 1-14) disclose voided polyester films used as paper substitutes including substitutes for photographic print paper. The polymer films are opaque, white, of high strength and low density. The polymer films

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contain no disclosed compatibilizers. Mathews et al. discloses that their voided polyester films are particularly suitable as supports for photographic prints. Since the reflective bases in Trautweiller et al., Bourdelais et al. '310 and Bourdelais et al. '547 include polymer substrates and vacuous polymer substrates as in Bourdelais et al. '547 and are required to be reflective and white, it would be obvious to one skilled in the art to use the particular white opaque reflective substrates of the international publication, Maier et al. and Mathews et al. as the called for reflective white substrates in Trautweiller et al., Bourdelais et al. '310 and Bourdelais et al. '547 particularly since the voided polymer sheets of the international publication, Maier et al. and Mathews et al. are disclosed as being of high strength, low density with a more glossy or pearlescent appearance than typical cellulose photographic papers.

5. Claims 1-19, 24-29, 30 and 33-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Bourdelais et al. '109 with International Publication WO 96/12766, Maier et al. and Mathews et al. Bourdelais et al. '109 (see particularly column 3, line 61 - column 4, line 10; column 6, lines 8-31; column 7, line 30 - column 8, line 45; Example 1) disclose photographic prints comprising transparent polymer sheets carrying images folded around and laminated to reflective

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opaque bases or partitioning members. The reflective partitioning members provide whiteness and stiffness and may be made of paper or voided polymer sheets as in the U.S. patents to Maier et al. and Mathews et al. incorporated by reference into Bourdelais et al. '109. Therefore, it would at least be obvious to one skilled in the art to use the light reflective sheets of Maier et al. and Mathews et al. as the called for partitioning members in Bourdelais et al. '109. Maier et al. (see particularly column 2, lines 11-31; column 3, lines 41-68; column 5, lines 1-53; column 14, lines 8-64; column 16, lines 19-35; Examples 1-3, 7 and 37) and Mathews et al. (see particularly column 1, lines 51-68; column 3, line 35 - column 4, line 50; column 5, lines 1-34; Examples 1-14) disclose the use of vacuous or voided polyester substrates made by biaxially stretching polyester with dispersed polymer phases (dispersed polyolefins as in Mathews et al.) to provide opaque, white, high strength and low density substrates disclosed as useful as substrates for photographic prints. Maier et al. and Mathews et al. do not disclose the use of compatibilizers. The international publication (see particularly page 1, lines 3-18; page 2, lines 16-30; page 9, lines 3-26; Examples 2-8; Tables 1 and 2; claim 9) discloses voided or vacuous films of polyester with dispersed polyolefin phases disclosed for use as a paper substitute such as



in photographic prints for a more glossy or pearlescent appearance than typical papers wherein compatibilizers are used in amounts less than .5 g/m<sup>2</sup> as defined in applicants' specification as being substantially free of compatibilizers. The international publication discloses adjusting the amount of polyolefin for the desired amount of voiding, density and mechanical properties. Since the reflective sheets or partitioning members in Bourdelais et al. include voided polymer sheets, particularly those in Maier et al. or Mathews et al. incorporated by reference, it would be obvious to one skilled in the art to use the voided or vacuous polymer sheets of the international publication, Maier et al. and Mathews et al. as the reflective sheets or partitioning members in Bourdelais et al. for the properties of whiteness, high strength, low density and a more glossy or pearlescent appearance in typical papers.

6. Claims 20, 22, 23 and 31 are objected to as depending on rejected claims but would be allowable if written in proper independent form. The prior art does not disclose vacuous polymer bases with fire retardants or embossed low Tg polymer layers as in instant claim 20.

7. The prior art cited by applicants and cited in the parent application has been considered.

8. Any inquiry concerning this communication should be

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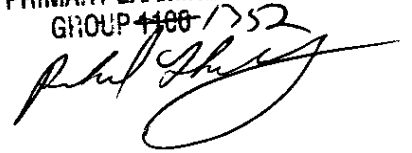
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directed to Mr. Schilling at telephone number (571) 272-1335.

RLSchilling:cdc

June 10, 2004

RICHARD L. SCHILLING  
PRIMARY EXAMINER  
GROUP 4100-1752

A handwritten signature in black ink, appearing to read "Richard L. Schilling", is written over the printed name and title.